

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT SCATURO, SCOTT BUBNICK,
JOSPEH DAVIDOV, STEVEN
MARDAKHAEV, AND JONATHAN
MADAR, *individually and on behalf of all
others similarly situated,*

Plaintiffs,

v.

FANATICS, INC.; FANATICS, LLC;
FANATICS COLLECTIBLES
INTERMEDIATE HOLDCO, INC.;
FANATICS SPV, LLC; FANATICS
HOLDINGS, INC.; MAJOR LEAGUE
BASEBALL; MAJOR LEAGUE BASEBALL
PROPERTIES, INC.; MAJOR LEAGUE
BASEBALL PLAYERS ASSOCIATION; MLB
PLAYERS, INC.; NATIONAL FOOTBALL
LEAGUE; NFL PROPERTIES LLC;
NATIONAL FOOTBALL LEAGUE
PLAYERS ASSOCIATION; NFL PLAYERS,
INC.; NATIONAL BASKETBALL
ASSOCIATION; NBA PROPERTIES, INC.;
NATIONAL BASKETBALL ASSOCIATION
PLAYERS ASSOCIATION; AND ONETEAM
PARTNERS LLC,

Defendants.

Case No. 25-cv-2202-LTS-VF

ORAL ARGUMENT REQUESTED

NFL DEFENDANTS' NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the NFL Defendants' Motion to Dismiss, the NFL Defendants will move this Court, before the Honorable Laura Taylor Swain, on a date and at a time to be determined by the Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, 10007, for an Order

dismissing Plaintiffs' First Amended Complaint in the above-referenced action with prejudice pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

FURTHERMORE, the undersigned counsel certifies that the NFL Defendants have used their best efforts to resolve informally the matters raised in this Motion in accordance with Rule 2.b of this Court's Individual Practices. The NFL Defendants sent Plaintiffs a letter on July 21, 2025 detailing the factual and legal grounds for the NFL Defendants' Motion. The parties thereafter met and conferred via Zoom videoconference on July 25, 2025, during which Plaintiffs took the position that notwithstanding the grounds set forth by the NFL Defendants, they would not amend or withdraw their Complaint.

Dated: July 28, 2025

PROSKAUER ROSE LLP

/s/ Bradley I. Ruskin

Bradley I. Ruskin
David A. Munkittrick
Jeffrey H. Warshafsky
Tara M. Brailey
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Telephone: (212) 969-3000
bruskin@proskauer.com
dmunkittrick@proskauer.com
jwarshafsky@proskauer.com
tbrailey@proskauer.com

Colin R. Kass (*pro hac vice*)
PROSKAUER ROSE LLP
101 Pennsylvania Avenue, N.W.
Suite 600 South
Washington, D.C. 20004
Telephone: (202) 416-6800
ckass@proskauer.com

Attorneys for the NFL Defendants